IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NO.15673 OF 2007

Dated : July 24, 2007

Between:

Amboji Srinivas Yadav

Petitioner

AND

The Sub Inspector of Police,
Kandukur Police Station,
Kandukur, Rangareddy District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NO.15673 OF 2007

ORAL ORDER: **(per the HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondent No.1.

2. The petitioner, in this writ petition, seeks a direction to the respondent No.1 to produce his wife, Mrs. Amboji (Anegouni) Varalakshmi, from the illegal custody of respondent Nos.2 to 4 and to set her free, to enable her to join his company.

3. The grievance of the petitioner, in this writ petition, appears to be, despite his marriage with one Varalakshmi, who is no other than the daughter of respondent No.2, she is not being released from the unlawful confinement of respondent Nos.2 to 4. It is his further grievance that respondent Nos.2 to 4, the father and brothers of said Varalakshmi, lodged a complaint against him for the alleged commission of offence punishable under Section 366 of the Indian Penal Code, which was registered as Crime No.106 of 2007 by the respondent No.1 and the Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, on an application, by the petitioner and another, granted bail on the ground that the Court was, *prima facie*, satisfied about the factum of marriage.

4. Added to the above, the petitioner has made a complaint to Police, Kandukur Police Station, Rangareddy District, on 26.06.2007, about the alleged unlawful confinement of the girl, but it is averred that no positive steps have been taken by the said police so far. Hence, the present writ petition, seeking to issue a writ of habeas corpus.

5. In this connection, it is to be seen that already a complaint has been lodged by the petitioner before the

concerned police seeking appropriate action against respondent Nos.2 to 4 for the unlawful confinement of said Varalakshmi, who is said to be his wife.

6. From the above facts, it is obvious that the law has already been set in motion by way of lodging a complaint by the petitioner, in which event, we are of the view that the present writ petition, seeking to issue a writ of habeas corpus, cannot be sustained nor can be availed of by the petitioner.

7. For the foregoing, we find no merit in the writ petition, the same fails and is liable to be dismissed.

8. Accordingly, the writ petition is dismissed, at the stage of admission. No order as to costs.

9. However, it is needless to mention that the Police, Kandukur Police Station, Rangareddy District, shall initiate appropriate steps, as required under law with all expedition.

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D.S.R.Varma, J.

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D.Appa Rao, J.

July 24, 2007
MAS